

RECEIVED

18 Oct 2018

DPTI



MASTER BUILDERS  
SOUTH AUSTRALIA

17 October 2018

Anita Allen  
Manager Planning Reform  
Department of Planning, Transport and Infrastructure  
GPO Box 1815  
ADELAIDE SA 5001  
[Anita.Allen@sa.gov.au](mailto:Anita.Allen@sa.gov.au)

**RE: Assessment Pathways Technical Discussion Paper**

Dear Anita

Thank you for the opportunity to provide feedback on the Assessment Pathways Technical Discussion Paper.

We look forward to continuing to work constructively together to support measures that bring clarity, simplicity, efficiency and innovation to planning and development.

South Australia's planning system underpins virtually all of the work undertaken by our members. This is a once-in-a-generation rewrite of the system that could significantly impact our members both in terms of operations and costs for decades to come. Master Builders SA strongly believes that planning reforms must be committed to sparking economic investment. We want to ensure that the economic and social value our industry provides South Australia - the \$16 billion in work our industry does each year, and the more than 65,000 South Australians it employs - is properly recognised and given the weighting it deserves.

Master Builders SA wants planning reforms to deliver consistent, more and faster approvals. Regular feedback from our members is that local councils they deal with all seem to be completely under resourced but also over managed. Therefore, any level of efficiency and consistency is non-existent. We reiterate that we strongly support the ability to create joint assessment panels across Council Regions and the composition of those panels. As you are aware, the panels will comprise accredited professionals (sections 88-92) with a maximum of one elected member, thus reducing the politicisation of assessment (section 83(1)(a)).

Master Builders SA supports much of what is in the discussion paper. In particular, guaranteed planning consent for new 'deemed to satisfy' and 'accepted' pathways to enable streamlined assessment for low-impact developments, and ePlanning solutions to facilitate more efficient development application lodgment and assessment processes. However, we believe the following recommendations would further strengthen the paper.

**Process during or post-construction?**

While the assessment pathway provides a clear understanding of the development approval process pre-construction, it does not adequately address the process either during or post construction. The truth is that a building is not fit for purpose unless the regulatory authority is involved during both the design concept and construction phase, and as such the assessment pathway needs to be extended to include activities post-decision. Currently, the discussion paper lists two processes post decision, these being variations and appeals. This needs to be expanded.

## Relevant authorities

Critical to understanding assessment pathways post-decision is to recognise who the relevant authorities are. Within the discussion paper there are five entities that can perform the duty of a relevant authority, these being the Minister, State Planning Commission, Assessment Panels, Assessment Managers and Accredited professionals. Primarily, these entities will assess and make decisions at the following stages:

- Planning consent
- Building consent
- Development Approval
- Certificate of Occupancy

## Issue/problem

There are some regulatory tasks performed on buildings during construction that relate to building compliance but do not require an official approval (consent) for that specific task. These include:

- Some mandatory building audit inspection i.e. footings
- Energy efficiency assessments
- Building fire safety inspections

In some instances, there are professionals who provide certificates to the relevant authority because they are an expert in the field. These certificates are accepted by authorities which subsequently form a critical part of building compliance.

Not only do these tasks appear to be excluded from the assessment pathway, there appears to be an omission of a section of professionals within the assessment pathways who perform duties that contribute to building compliance. In other words, there are professionals not covered under the accredited professional's scheme draft (as an accredited professional) that currently perform duties of building compliance which are accepted by relevant authorities. Examples of these professionals include:

- engineers
- energy assessors
- A person representing the country fire service or metropolitan fire service who are on a building fire safety committee
- A person appointed on by the council to be on the building fire safety committee who is not a building surveyor

In the case of engineers and energy assessors, relevant authorities accept (predominantly unchallenged) the decision of these professionals if they are experts as nominated under Regulation 88 of the *Development Regulations 2008*.

## Proposal

- 1) The assessment pathway includes **BUILDING AUDITS** as part of the assessment pathway post decision



**MASTER BUILDERS**  
SOUTH AUSTRALIA

- 2) Any audit post construction is formally recognised with a regulated **CONSENT** issued by a relevant authority
- 3) The number of relevant authorities be expanded to include **AUDITORS**. Professionals who exercise judgment on a building compliance matters, including engineers, energy assessors, CFS/MFS representatives or Council appointed professionals. These professionals are given the authority to issue **CONSENT** on the matter they assess.

In the case of an auditors, we accept a separate section within the relevant authority definition need not be provided in the assessment pathways if these professionals nominated above are required to be accredited under the accredited professionals' scheme.

### **Increased scope for Accepted developments**

We support an emphasis on “tick and flick” for minor builds including reduced rights of appeal. However, there would appear to be a greater opportunity to increase the number of applications approved under ‘Accepted developments’ or ‘Deemed to satisfy’ categories. For example, subdivisions that have already been assessed. If an applicant has already gone through the whole planning process for a subdivision and they know their setbacks, what can be two story and what can’t and so on, Master Builders SA believes it should go straight to the certifier for simple approval. This is especially the case where there is a land management agreement where the information is already specified (eg one garage on a boundary no more than 2.7 metres high). In these cases the agreement could be simply attached to other information provided to the certifier– there is no need for it to go through a formal planning process. Unnecessary time delays and additional costs should be avoided.

### **Approval Timelines**

Whilst Master Builders SA acknowledges the shift towards form-based planning, we would encourage an approach that sees approval timelines reduced. The “numbers game” should not be ditched completely as it can promote streamlined assessment. We believe the right mix is required.

Once again, thank you for the opportunity to comment. If you would like to discuss the content of this submission, please contact Policy and Communications Manager Will Frogley on [REDACTED] or [REDACTED]

Yours sincerely

**IAN MARKOS**  
**CHIEF EXECUTIVE OFFICER**

CC Hon Stephan Knoll MP, Minister for Planning